

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 14, 2004
SAN FRANCISCO, CALIFORNIA**

S119046

STATE ex rel RONO, LLC v. ALTUS FINANCE
Request for certification granted

The request for certification directed to this court from the United State Court of Appeal for the Ninth Circuit is accepted.

For purposes of briefing and oral argument, State of California is deemed petitioner to this court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S120546

B163219 Second Appellate District,
Division Three

CLAREMONT POLICE OFFICERS ASSOCIATION v.
CITY OF CLAREMONT
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S120551

H024041 Sixth Appellate District

PEOPLE v. GARZA
Petition for review granted (criminal case)

Respondent's petition for review GRANTED.
Appellant's petition for review DENIED.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin and Moreno, JJ.

S120677

A099674 First Appellate District,
Division Two

PEOPLE v. SORDEN
Petition for review granted (criminal case)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S039632 /
S121061**

PEOPLE v. WILSON (ROBERT PAUL)
WILSON (ROBERT P.) ON H.C.
Motion to consolidate denied

The "Motion to Consolidate Appellate and Habeas Corpus Proceedings," filed on December 10, 2003, is denied.

S119948

D040184 Fourth Appellate District,
Division One

PEOPLE v. AULT

Issues ordered limited

The issue to be briefed and argued is limited to the following: What is the proper standard of review when the People appeal an order granting a motion for a new trial due to juror misconduct?

S119975

D037485 Fourth Appellate District,
Division One

PEOPLE v. ATHAR

Issues ordered limited

In the matter of *The People v. Syed Abieda Athar* (S119975), review granted on December 10, 2003, the parties shall limit their briefing to the following issue: Can an enhancement be imposed under Penal Code section 186.10, subdivision (c), for "money laundering" a sum exceeding a specified dollar amount, where the defendant was not convicted of money laundering under section 186.10, subdivision (a), but instead was convicted only of conspiracy to commit money laundering? (See Cal. Rules of Court, rule 29(a)(1).)

S120396

B153932 Second Appellate District,
Division Eight

AVILA v. JADO PROPERTIES INC.

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Delgado v. Trax*, S117287 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S120585

H024717 Sixth Appellate District

PEOPLE v. CANTU

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Canty*, S109537 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of

the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S096485

C034461 Third Appellate District

PEOPLE v. DANIEL

Transferred to CA 3 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Baxter, J., is of the opinion the matter should be retained for decision by this court.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown and Moreno, JJ.

S098277

B140450 Second Appellate District,
Division Four

PEOPLE v. PERRY

Transferred to CA 2/4 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Kennard, J., Werdegar, J., and Moreno, J., are of the opinion the matter should be dismissed without further decision by the Court of Appeal.

Votes: George, C.J., Baxter, Chin, and Brown, JJ.

S099287

B146045 Second Appellate District,
Division Four

PEOPLE v. HARDIMAN

Dismissed per rule 29.3(b), and remanded to CA 2/4

Pursuant to rule 29.3(b), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Four.

Kennard, J., and Moreno, J., are of the

opinion the matter should be transferred to the Court of Appeal with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Baxter, Werdegarr, Chin, and Brown, JJ.

S102961

F034897 Fifth Appellate District

PEOPLE v. HESTER

Transferred to CA 5 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Maryland v. Pringle* (2003) 124 S.Ct. 795 and *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S102982

F035120 Fifth Appellate District

PEOPLE v. HANKS

Transferred to CA 5 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Maryland v. Pringle* (2003) 124 S.Ct. 795 and *People v. Sanders* (2003) 31Cal. 4th 318.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

S106428F033914 Fifth Appellate District
F038143**PEOPLE v. BLACK**

Dismissed per rule 29.3(b), and remanded to CA 5

Pursuant to rule 29.3(b), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fifth Appellate District.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

S106477

G025118 Fourth Appellate District,
Division Three

PEOPLE v. HENKE

Dismissed per rule 29.3(b), and remanded to CA 4/3

Pursuant to rule 29.3(b), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division Three.

Kennard, J., Chin, J., and Moreno, J. are of the opinion the matter should be transferred to the Court of Appeal with directions to vacate its decision and to reconsider the cause in light of *People v Sanders* (2003) 31Cal. 4th 318.

Votes: George, C.J., Baxter, Werdegarr and Brown, JJ.

S107318

A095890 First Appellate District,
Division Three

PEOPLE v. BOWERS

Transferred to CA 1/3 after hold

The above-entitled review is hereby transferred to the Court of Appeal, First Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Baxter, J., is of the opinion the matter should be retained for decision by this court.

Votes: George, C.J., Kennard, Werdegarr, Chin, Brown, and Moreno, JJ.

S107720

H021985 Sixth Appellate District

PEOPLE v. DELEON

Transferred to CA 6 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Baxter, J., and Brown, J., are of the opinion the matter should be dismissed without further decision by the Court of Appeal.

Votes: George, C.J., Kennard, Werdegarr, Chin and Moreno, JJ.

S107783

F037882 Fifth Appellate District

PEOPLE v. HOLLIS

Transferred to CA 5 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S108136

H022775 Sixth Appellate District

PEOPLE v. LAZALDE

Transferred to CA 6 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S111133B155445 Second Appellate District,
Division Four

PEOPLE v. NEWMAN

Transferred to CA 2/4 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Baxter, J., is of the opinion the matter should be dismissed without further decision by the Court of Appeal.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown, and Moreno, JJ.

S114697B159131 Second Appellate District,
Division Three

PEOPLE v. CASIAN

Transferred to CA 2/3 after hold

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to

vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S115525

A097724 First Appellate District,
Division Three

PEOPLE v. HILL

Transferred to CA 1/3 after hold

The above-entitled review is hereby transferred to the Court of Appeal, First Appellate District, Division Three with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Baxter, J. and Brown, J., are of the opinion the matter should be dismissed without further decision by the Court of Appeal.

Votes: George, C.J., Kennard, Werdegarr, Chin and Moreno, JJ.

S117931

A098670 First Appellate District,
Division Three

PEOPLE v. STANCIL

Dismissed per rule 29.3(b), and remanded to CA 1/3

Pursuant to rule 29.3(b), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division Three.

Kennard, J. and Moreno, J., are of the opinion the matter should be transferred to the Court of Appeal with directions to vacate its decision and to reconsider the cause in light of *People v. Sanders* (2003) 31 Cal.4th 318.

Votes: George, C.J., Baxter, Werdegarr, Chin and Brown, JJ.

S092813**MCDERMOTT (MAUREEN) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed November 8, 2000, is denied.

Each claim and subclaim is denied on the merits.

To the extent that it asserts a violation of

speedy-trial rights under the Sixth Amendment to the United States Constitution and/or section 15 of article I of the California Constitution, Claim C is procedurally barred, separately and independently, on the ground it was raised and rejected on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Brown, J., would deny the petition solely on the merits.

S119689

POWERS v. CALIFORNIA ENERGY RESOURCES
CONSERVATION & DEVELOPMENT COMM.
Petition for writ of review denied

S119776

B161030 Second Appellate District,
Division Four

PEOPLE v. GOMEZ
Petitions for review denied

S119895

B161169 Second Appellate District,
Division Seven

PEOPLE v. WALKER-BEY
Petitions for review denied

S119950

G031028 Fourth Appellate District,
Division Three

PEOPLE v. GUTIERREZ
Petition for review denied

S120033

B151127 Second Appellate District,
Division Three

ROSS v. SANTA BARBARA NEWS PRESS
Petitions for review denied

S120046

B160042 Second Appellate District,
Division Two

PEOPLE v. ESPINOZA
Petitions for review denied

S120091

B168432 Second Appellate District,
Division Two

ALLEN (HERBERT) ON H.C.
Petition for review denied

S120100

A098773 First Appellate District,
A102679 Division Three

PEOPLE v. JILES
Petition for review denied

S120108

G029226 Fourth Appellate District,
Division Three

PEOPLE v. CEDENO

Petitions for review denied

S120113

B169166 Second Appellate District,
Division Three

PEOPLE v. S.C. (BLAKE)

Petition for review denied

S120123

B160744 Second Appellate District,
Division Five

PEOPLE v. WALLACE

Petition for review denied

S120138

B165029 Second Appellate District,
B159883 Division Five

BARAJAS (JOSE ALFREDO) ON H.C.

Petition for review denied

S120156

F039242 Fifth Appellate District

PEOPLE v. HOLLIE

Petition for review denied

S120183

B150524 Second Appellate District,
Division Four

PEOPLE ex re; ALLSTATE v. MUHYELDIN

Petition for review denied

Chin, J., was recused and did not participate.

S120214

G031386 Fourth Appellate District,
Division Three

ARCHDIOCESE OF MILWAUKEE v. S.C. (PAINO)

Petition for review denied

Application to appear pro hac vice denied.

S120377

A094198 First Appellate District,
Division Four

PEOPLE v. HALL

Petition for review denied

S120378

A095937 First Appellate District,
Division Three

PEOPLE v. DELUISCONTI

Petition for review denied

S120400

F040930 Fifth Appellate District

PEOPLE v. TORRES

Petition for review denied

S120428

B162493 Second Appellate District,
Division Six

AMEX ASSURANCE v. ALLSTATE INSURANCE
Petition for review denied

Chin, J., was recused and did not participate.

S120438

H026388 Sixth Appellate District

GRANT v. S.C. (PEOPLE)
Petition for review denied

S120441

C042641 Third Appellate District

CALIFORNIA INSURANCE GUARANTEE v.
WORKERS' COMPENSATION APPEAL BD.
Petition for review denied

S120451

C041245 Third Appellate District

PEOPLE v. SHAW
Petition for review denied

S120454

E032343 Fourth Appellate District,
Division Two

PEOPLE v. DURON
Petitions for review denied

S120473

C039718 Third Appellate District

PEOPLE v. GUTIERREZ
Petition for review denied

S120478

D040052 Fourth Appellate District,
D040246 Division One

PEOPLE v. HANSEN
Petition for review & publication request denied

S120482

G200338 Fourth Appellate District,
Division Three

SENATOR v. AUTO EXPO INC.
Petition for review denied

S120487

F040951 Fifth Appellate District

PEOPLE v. TORRES
Petition for review denied

S120493

G200339 Fourth Appellate District,
Division Three

SENATOR v. SCOTTEN
Petition for review denied

S120504

H019727 Sixth Appellate District

PEOPLE v. NGUYEN
Petitions for review denied

S120515

B164559 Second Appellate District,
Division Four

PEOPLE v. MARTINEZ
Petition for review denied

S120521

B170658 Second Appellate District,
Division Six

MARIAN v. S.C. (OXNARD TOWING)
Petition for review denied

S120531

A100875 First Appellate District,
Division Two

LEWIS v. KATZ
Petition for review denied

S120535

C041297 Third Appellate District

PEOPLE v. KIEHN
Petition for review denied

S120536

E030778 Fourth Appellate District,
Division Two

PEOPLE v. JENNINGS
Petition for review denied

S120539

A104401 First Appellate District,
Division One

PLAZOLA v. S.C (PEOPLE)
Petition for review denied

S120545

B163585 Second Appellate District,
Division Seven

PEOPLE v. TARDY
Petition for review denied

S120548

A098718 First Appellate District,
Division One

PEOPLE v. FISHER
Petition for review denied

S120549

G031874 Fourth Appellate District,
Division Three

YUN v. S.C. (JI)
Petition for review denied

S120562

H022866 Sixth Appellate District

PEOPLE v. STEVENS
Petition for review denied

S120576

G031166 Fourth Appellate District,
Division Three

PEOPLE v. MCKEAN

Petition for review denied

S120577

H024414 Sixth Appellate District

PEOPLE v. FRITZ

Petition for review denied

S120578

B157997 Second Appellate District,
Division Seven

AMIN v. KHAZINDAR

Petition for review denied

S120580

B161494 Second Appellate District,
Division One

PEOPLE v. ZABUSKI

Petition for review denied

S120592

H024686 Sixth Appellate District

PEOPLE v. DANG

Petition for review denied

S120594

C042147 Third Appellate District

PEOPLE v. PRATHER

Petition for review denied

S120599

G033100 Fourth Appellate District,
Division Three

WHITEHOUSE v. S.C. (CALIF INST FOR WOMEN)

Petition for review denied

S120609

A104104 First Appellate District,
Division Four

FONG v. ORACLE CORP.

Petition for review denied

S120611

G031699 Fourth Appellate District,
Division Three

LECLAIR v. SEARS, ROEBUCK & COMPANY

Petition for review denied

Chin, J., was recused and did not participate.

S120637

E034494 Fourth Appellate District,
Division Two

SNOWTON v. SAN BERNARDINO, COUNTY OF

Petition for review denied

S120653

B159883 Second Appellate District,
Division Five

PEOPLE v. BARAJAS

Petition for review denied

S120666

B164442 Second Appellate District,
Division Seven

PEOPLE v. ORTEGA

Petition for review denied

S120676

B159396 Second Appellate District,
Division Six

PEOPLE v. GONZALES

Petitions for review denied

S120679

F040372 Fifth Appellate District

PEOPLE v. MCKENZIE

Petition for review denied

S120682

C043257 Third Appellate District

PEOPLE v. MCCORMICK

Petition for review denied

S120683

H025050 Sixth Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

S120685

A101687 First Appellate District,
Division One

W. (MARCUS), IN RE

Petition for review denied

S120687

B160930 Second Appellate District,
Division Seven

PEOPLE v. GOMEZ

Petition for review denied

S120696

G026457 Fourth Appellate District,
Division Three

F. (STEVEN) v. ANAHEIM UNION HIGH SCH DIST

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120698

B156077 Second Appellate District,
Division Seven

MIGLIN v. HIRSCH

Petition for review denied

S120705

B160711 Second Appellate District,
Division Two

PEOPLE v. MORAN

Petition for review denied

S120710

H025303 Sixth Appellate District

PEOPLE v. DIEHL

Petition for review denied

S120711

B165183 Second Appellate District,
Division Three

PEOPLE v. GOMEZ

Petition for review denied

S120712

G029786 Fourth Appellate District,
Division Three

PEOPLE v. CARABALLO

Petition for review denied

S120713

D041715 Fourth Appellate District,
Division One

PEOPLE v. MOOTRY

Petition for review denied

S120722

A098581 First Appellate District,
Division One

PEOPLE v. BROWN

Petition for review denied

S120723

A098865 First Appellate District,
Division Five

PEOPLE v. LOVE

Petition for review denied

S120724

H024478 Sixth Appellate District

PEOPLE v. GALARZA

Petition for review denied

S120727

H025228 Sixth Appellate District

PEOPLE v. RUSSELL

Petition for review denied

S120729

B161821 Second Appellate District,
Division Two

PEOPLE v. ARNAL

Petition for review denied

S120730

B146867 Second Appellate District,
Division Four

POUR LE BEBE INC. v. GUESS? INC.
Petition for review denied

Request for judicial notice denied.

Werdegar, J., and Chin, J., are of the opinion the
petition should be granted.

S120731

C042390 Third Appellate District

PEOPLE v. PENLEY
Petition for review denied

S120732

F041901 Fifth Appellate District

PEOPLE v. WOODYARD
Petition for review denied

S120733

E032242 Fourth Appellate District,
Division Two

PEOPLE v. INGRAM
Petition for review denied

S120735

C040443 Third Appellate District

PEOPLE v. GILBERT
Petition for review denied

S120736

D040889 Fourth Appellate District,
Division One

PEOPLE v. POUCHER
Petition for review denied

S120738

F039155 Fifth Appellate District

PEOPLE v. TRAVALINI
Petition for review denied

S120739

C043012 Third Appellate District

PEOPLE v. BOLES
Petition for review denied

S120741

H025312 Sixth Appellate District

PEOPLE v. RIVERA
Petition for review denied

S120746

B162888 Second Appellate District,
Division Two

PEOPLE v. HENDERSON
Petition for review denied

S120749 F041835 Fifth Appellate District	PEOPLE v. HERNANDEZ Petition for review denied
S120753 B164720 Second Appellate District, Division Four	PEOPLE v. ARZAGA Petition for review denied
S120755 F041600 Fifth Appellate District	PEOPLE v. LUNA Petition for review denied
S120756 A101038 First Appellate District, Division Four	PEOPLE v. TAYAG Petition for review denied
S120761 H024118 Sixth Appellate District	PEOPLE v. CHAVEZ Petition for review denied
S120770 C039057 Third Appellate District C039449	PEOPLE v. O'DONNELL Petition for review denied
S120774 A097542 First Appellate District, Division Four	PEOPLE v. SLOAN Petition for review denied
S120777 E033012 Fourth Appellate District, Division Two	L. (RYAN), IN RE Petition for review denied
S120779 D040212 Fourth Appellate District, Division One	PEOPLE v. GILL Petition for review denied
S120781 E032894 Fourth Appellate District, Division Two	PEOPLE v. CYIARK Petition for review denied

S120785

A097419 First Appellate District,
Division Two

CANDIA v. CITY & COUNTY OF SAN FRANCISCO
Petition for review denied

S120790

B169589 Second Appellate District,
Division Four

KIM v. S.C. (TORJESEN)
Petition for review and application for stay denied

S120798

B161922 Second Appellate District,
Division Six

PEOPLE v. TROTTER
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120801

C041581 Third Appellate District

PEOPLE v. BLANSON
Petition for review denied

S120802

A101454 First Appellate District,
Division Two

PEOPLE v. LEWIS
Petition for review denied

S120803

F041503 Fifth Appellate District

PEOPLE v. HERRERA
Petition for review denied

S120804

B171233 Second Appellate District,
Division Six

MARIAN v. SC (DMV)
Petition for review denied

S120805

D041480 Fourth Appellate District,
Division One

REDANTE v. YOCKELSON
Petition for review denied

S120806

E031955 Fourth Appellate District,
Division Two

PEOPLE v. CERVANTES
Petitions for review denied

S120807

D043233 Fourth Appellate District,
Division One

JUSTICE v. S.C. (PEOPLE)
Petition for review and application for stay denied

S120811

C042018 Third Appellate District
C042018

SAN JOAQUIN COUNTY v. STATE OF CALIF.
Petition for review denied

S120812

A098385 First Appellate District,
Division Three

PEOPLE v. MONKRES
Petition for review denied

S120814

E033067 Fourth Appellate District,
Division Two

PEOPLE v. DAVIS
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120815

B163310 Second Appellate District,
Division Five

PEOPLE v. GUY
Petition for review denied

S120818

B166563 Second Appellate District,
Division Six

PEOPLE v. HUERTA
Petition for review denied

S120819

F041953 Fifth Appellate District

A. (OSCAR), IN RE
Petition for review denied

S120821

C041183 Third Appellate District

SHADE v. DEPT OF FINANCIAL INSTITUTION
Petition for review denied

S120825

A099816 First Appellate District,
Division Three

PEOPLE v. GEORGE
Petition for review denied

S120840

B163358 Second Appellate District,
Division Two

LAROU v. BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
Petition for review denied

S120843

H024243 Sixth Appellate District
H024680

GUTIERREZ v. PCH ROULETTE INC.
Petition for review denied

The request for an order directing publication of
the opinion is denied.

S120846

D043122 Fourth Appellate District,
Division One

RODRIGUEZ (OSCAR) ON H.C.
Petition for review denied

S120848

F040131 Fifth Appellate District

PEOPLE v. AGUILAR
Petition for review denied

S120852

D040353 Fourth Appellate District,
Division One

TAYLOR, MARRIAGE OF
Petition for review denied

S120859

B160627 Second Appellate District,
Division Six

PEOPLE v. BAKER
Petition for review denied

S120864

D037264 Fourth Appellate District,
Division One

PEOPLE v. BAUMER
Petition for review denied

S120865

B162152 Second Appellate District,
Division Eight

PEOPLE v. ROCHA
Petition for review denied

S120866

E032245 Fourth Appellate District,
Division Two

PEOPLE v. MCALLISTER
Petition for review denied

S120870

B170435 Second Appellate District,
Division Seven

YEKUTIEL v. W.C.A.B. (HYMES & CO.)
Petition for review denied

S120873

B165102 Second Appellate District,
Division Four

PEOPLE v. RAYA
Petition for review denied

S120874

B163307 Second Appellate District,
Division Three

PEOPLE v. WILLIAMS

Petition for review denied

S120875

B165188 Second Appellate District,
Division One

PEOPLE v. MORENO

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S120878

B171137 Second Appellate District,
Division Three

LANGE (STEPHEN) ON H.C.

Petition for review denied

S120880

B161144 Second Appellate District,
Division Four

PEOPLE v. VALENCIA

Petition for review denied

S120888

D041336 Fourth Appellate District,
Division One

PEOPLE v. GORDON

Petition for review denied

S120895

B164301 Second Appellate District,
Division Five

PEOPLE v. OLIVER

Petition for review denied

S120896

B164269 Second Appellate District,
Division One

PEOPLE v. WADE

Petition for review denied

S120897

B162140 Second Appellate District,
Division One

PEOPLE v. DANIEL

Petition for review denied

S120900

B159130 Second Appellate District,
Division Two

PEOPLE v. BECERRA

Petition for review denied

S120904

E031885 Fourth Appellate District,
Division Two

PEOPLE v. VELIZ

Petition for review denied

S120912

F040156 Fifth Appellate District

PEOPLE v. GARCIA

Petition for review denied

S120914

B163257 Second Appellate District,
Division Six

PEOPLE v. GEGHAMYAN

Petition for review denied

S120915

B158578 Second Appellate District,
Division Three

PEOPLE v. PENA

Petition for review denied

S120916

B160437 Second Appellate District,
Division Three

PEOPLE v. TROTTER

Petition for review denied

S120919

B161280 Second Appellate District,
Division One

PEOPLE v. MOORE

Petition for review denied

S120921

B162203 Second Appellate District,
Division Three

BENETIC v. BIZOUMIS

Petition for review denied

S120924

D040544 Fourth Appellate District,
Division One

K. (JONATHAN) v. ADOPTION CENTER

Petition for review denied

S120928

B171370 Second Appellate District,
Division Eight

LASHGARI v. S.C. (PEOPLE)

Petition for review and application for stay denied

S120929

H025197 Sixth Appellate District

R. (U), IN RE

Petition for review denied

S120930

B162413 Second Appellate District,
Division Five

PEOPLE v. SHAKHPAZYAN

Petition for review denied

S120932

D040916 Fourth Appellate District,
Division One

PEOPLE v. DEKKER

Petition for review denied

S120933

C041716 Third Appellate District

PEOPLE v. LE

Petition for review denied

S120936

B163798 Second Appellate District,
Division Eight

KATO v. STATE BOARD OF CONTROL

Petition for review denied

S120938

H025318 Sixth Appellate District
H025801

C. (QUINN), IN RE

Petition for review & publication requests denied

S120939

G031134 Fourth Appellate District,
Division Three

SHARER v. DANNY K'S CAFE

Petition for review denied

S120943

B159993 Second Appellate District,
Division Three

PEOPLE v. BASULTO

Petition for review denied

S120944

B160663 Second Appellate District,
Division Three

PEOPLE v. WILLIAMS

Petition for review denied

S120945

B164813 Second Appellate District,
Division Two

PEOPLE v. MEJIA

Petition for review denied

S120946

H024312 Sixth Appellate District

BROWNE v. ASSURED AGGREGATES CO. INC.

Petition for review denied

S120950

B161245 Second Appellate District,
Division Two

CALIFORNIA AUTOMOBILE INS. CO. v. HOGAN
Petition for review denied

S120953

C040675 Third Appellate District

PEOPLE v. JOHNSON
Petition for review denied

S120956

B166570 Second Appellate District,
Division Three

PEOPLE v. THOMAS
Petition for review denied

S120958

F041634 Fifth Appellate District

PEOPLE v. HUBBARD
Petition for review denied

S120959

B166120 Second Appellate District,
Division One

PEOPLE v. FLOYD
Petition for review denied

S120961

H024852 Sixth Appellate District

PEOPLE v. WILLIAMS
Petition for review denied

S120962

B162541 Second Appellate District,
Division One

PEOPLE v. JURCOANE
Petition for review denied

S120966

B160445 Second Appellate District,
Division Seven

PEOPLE v. BERRY
Petition for review denied

S120967

E034749 Fourth Appellate District,
Division Two

HARVEY (DERRICK) ON H.C.
Petition for review denied

S120971

B166348 Second Appellate District,
Division One

LOS ANGELES v. JUAN L.
Petition for review denied

S120974

B161796 Second Appellate District,
Division Four

PEOPLE v. RODRIGUES
Petitions for review denied

S120978

D040742 Fourth Appellate District,
Division One

PEOPLE v. FLOYD
Petition for review denied

S120981

D041445 Fourth Appellate District,
Division One

PEOPLE v. SIMMONS
Petition for review denied

S120985

B164784 Second Appellate District,
Division Eight

SHOYINKA v. LOS ANGELES, CITY OF
Petition for review denied

S120987

B168450 Second Appellate District,
Division Eight

CALIF INSURANCE GUARANTEE v. W.C.A.B.
(GOLDEN EAGLE INS. CO.)
Petition for review denied

S121005

B162352 Second Appellate District,
Division Four

PEOPLE v. PIPER
Petition for review denied

S121006

F040975 Fifth Appellate District

PEOPLE v. GOMEZ
Petition for review denied

S121008

B163235 Second Appellate District,
Division Five

PEOPLE v. WILLIAMS
Petition for review denied

S121012

E032996 Fourth Appellate District,
Division Two

W. (MARCUS), IN RE
Petition for review denied

S121017

C045070 Third Appellate District

SENATOR v. PHOENIX HOUSE
Petition for review denied

S121022

B160252 Second Appellate District,
Division One

PEOPLE v. LEON

Petition for review denied

S121023

G030410 Fourth Appellate District,
Division Three

AHMED v. CITY OF ORANGE

Petition for review denied

S121028

A101867 First Appellate District,
Division Two

UNITED COMMERCIAL BANK v. CAMPBELL

Petition for review denied

S121030

B164360 Second Appellate District,
Division One

HANKS v. LOCKYER

Petition for review denied

S121033

E033032 Fourth Appellate District,
Division Two

PEOPLE v. BROWN

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S121034

E032438 Fourth Appellate District,
Division Two

PEOPLE v. IBARRA

Petition for review denied

S121044

C041776 Third Appellate District

PEOPLE v. TRESNER

Petition for review denied

S121046

B162153 Second Appellate District,
Division One

PEOPLE v. BERNARD

Petition for review denied

S121050

F043679 Fifth Appellate District

MAGANA v. W.C.A.B. (HURON GINNING)

Petition for review denied

Baxter, J., was recused and did not participate.

S121052

B160993 Second Appellate District,
Division Eight

PEOPLE v. WALTMAN
Petition for review denied

S121053

E031343 Fourth Appellate District,
Division Two

PEOPLE v. DOUGLAS
Petition for review denied

S121059

B161189 Second Appellate District,
Division One

SEPMYER v. RALPH'S GROCERY CO.
Petition for review denied

S121062

F041624 Fifth Appellate District

PEOPLE v. HALFORD
Petition for review denied

S121066

G033147 Fourth Appellate District,
Division Three

RICKS v. S.C. (PEOPLE)
Petition for review denied

S121067

C041173 Third Appellate District

PEOPLE v. LEWIS
Petition for review denied

S121086

B161817 Second Appellate District,
Division Eight

PEOPLE v. NGUYEN
Petition for review denied

S121089

C041857 Third Appellate District

PEOPLE v. CODERRE
Petition for review denied

S121091

E033398 Fourth Appellate District,
Division Two

PEOPLE v. PALMER
Petition for review denied

S121095

F042076 Fifth Appellate District

PEOPLE v. TROUT
Petition for review denied

S121096

C042656 Third Appellate District

INTERIOR PARTITIONS v. BAY COMMERCIAL
CONSTRUCTION
Petition for review denied

S121097

A104609 First Appellate District,
Division One

SCOTT (COLIN) ON H.C.
Petition for review denied

S121099

H025085 Sixth Appellate District

PEOPLE v. RODGERS
Petition for review denied

S121104

B160420 Second Appellate District,
Division Three

PEOPLE v. ATHANS
Petition for review denied

S121108

C042940 Third Appellate District

PEOPLE v. PICKNEY
Petition for review denied

S121109

B165686 Second Appellate District,
Division Five

PEOPLE v. MEJIA
Petition for review denied

S121112

B171430 Second Appellate District,
Division Five

SIMON v. S.C. (PEOPLE)
Petition for review denied as moot.

S121119

B160734 Second Appellate District,
Division Four

PEOPLE v. BARBER
Petition for review denied

S121129

B164255 Second Appellate District,
Division Five

PEOPLE v. SINGLETON
Petition for review denied

S121131

H025117 Sixth Appellate District

PEOPLE v. MACNAMARA
Petition for review denied

S121137

E032959 Fourth Appellate District,
Division Two

PEOPLE v. ABBOTT
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S121143

H026792 Sixth Appellate District

HANSEN v. S.C. (PEOPLE)

Petition for review and application for stay denied

S121161B145255 Second Appellate District,
Division Two

PEOPLE v. RODRIGUEZ

Petition for review denied

S121165B162345 Second Appellate District,
Division Two

PEOPLE v. FANNING

Petition for review denied

S121166

F040797 Fifth Appellate District

PEOPLE v. SCOTT

Petition for review denied

S121167

F039878 Fifth Appellate District

PEOPLE v. AISPURO

Petition for review denied

S121185

C041838 Third Appellate District

PEOPLE v. WISE

Petition for review denied

S121256G030939 Fourth Appellate District,
Division Three

PALLADINO v. SOUTH COAST OIL CORP.

Petition for review denied

Application for stay denied as moot.

S121301

SCHMIDT v. CA 3 (DISTRICT ATTORNEY)

Petition for writ of mandate/prohibition & stay denied

S121348B171721 Second Appellate District,
Division Eight

LASHGARI v. S.C. (PEOPLE)

Petition for review and application for stay denied

S121353A104467 First Appellate District,
Division One

PEOPLE v. S.C. (PG&E)

Petition for review and application for stay denied

Chin, J., was recused and did not participate.

S121505

B171624 Second Appellate District,
Division Six

MARIAN v. S.C. (CALIFORNIA)

Petition for review denied

S121569

F044493 Fifth Appellate District

PERACCHI v. S.C. (PEOPLE)

Petition for review and application for stay denied

Baxter, J., was recused and did not participate.

S121587

B166903 Second Appellate District,
Division Five

JONES v. S.C. (FULLER)

Petition for review and application for stay denied

S121607

A104844 First Appellate District,
Division Three

NATROL PRODUCTS v. S.C. (PEOPLE)

Petition for review and application for stay denied

S112011

BUSCH (CRAIG CLIFFORD) ON H.C.

Petition for writ of habeas corpus denied

S115520

JOHNSON (WILLIAM D.) ON H.C.

Petition for writ of habeas corpus denied

S115522

MARTIN (RUSSELL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115541

WILSON (DONALD E.) ON H.C.

Petition for writ of habeas corpus denied

S115552

GAISIE (EMMANUEL) ON H.C.

Petition for writ of habeas corpus denied

S115557

LITTLE (GLENN THOMAS) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115582

PORTER (ROBERT) ON H.C.

Petition for writ of habeas corpus denied

S115584

ROMAN (EDUARDO A.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S115586

EVANS (MARK) ON H.C.
Petition for writ of habeas corpus denied

S115590

DAVIS (KEITH DWAIN) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115593

ABREO (YVETTE) ON H.C.
Petition for writ of habeas corpus denied

S115599

CARLTON (JEFFREY) ON H.C.
Petition for writ of habeas corpus and

motion to set bail pending determination of
petition for writ of habeas corpus are denied.

S115618

CUFF (BYRON D.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115735

BURGESS (RUSSELL DALE) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115750

GARCIA (JERRY G.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115752

MAGEE (RUCHELL CINQUE) ON H.C.
Petition for writ of habeas corpus denied

S115753

RITTER (GARY DUWAYNE) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115763

VERNON (CLAUDE E.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S115765	RODRIGUEZ (TIMOTHY.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115766	McLEOD (DEBORAH A.) aka McCLOUD, ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115772	SPRINGFIELD (DUJUAN) ON H.C. Petition for writ of habeas corpus denied
S115785	DAVIS (PERCY RAY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115792	BELL (FREDDIE) ON H.C. Petition for writ of habeas corpus denied
S115799	BROOKS (TIMOTHY BRYAN) ON H.C. Petition for writ of habeas corpus denied
S115804	GRAVES (FRED) ON H.C. Petition for writ of habeas corpus denied
S117364	GRAVES (FRED) ON H.C. Petition for writ of habeas corpus denied
	Brown, J., was recused and did not participate.
S118285	GRAVES (FRED) ON H.C. Petition for writ of habeas corpus denied
S118586	BROOKS (TIMOTHY BRYAN) ON H.C. Petition for writ of habeas corpus denied
S119693	KOCH (JACK R.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S120101	JILES (MICHAEL RAY) ON H.C. Petition for writ of habeas corpus denied

S120369QUILLIN (WILLIAM KEITH) ON H.C.
Petition for writ of habeas corpus denied**S120416**BELL (STEVEN D.) ON H.C.
Petition for writ of habeas corpus denied**S120648**WATSON (ALBERT L.) ON H.C.
Petition for writ of habeas corpus denied**S120963**NGUYEN (KHANH) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S120972**CARDONA (MELECIO M.) ON H.C.
Petition for writ of habeas corpus denied**S121139**NEIGHBORS (KENNETH A.) ON H.C.
Petition for writ of habeas corpus denied**S121145**SINGH (JASPAL) ON H.C.
Petition for writ of habeas corpus deniedKennard, J., is of the opinion the petition should
be granted.**S121224**MCALLISTER (JONATHAN) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S121264**ROUSE (WILLIAM C.) ON H.C.
Petition for writ of habeas corpus & stay denied.**S117837**G027949 Fourth Appellate District,
Division ThreeDIAMOND WOODWORKS v. ARGONAUT INC. CO.
Depublication request denied (case closed)**S118608**B155395 Second Appellate District,
Division ThreeVAN KEULEN v. CATHAY PACIFIC AIRWAYS
Publication request denied (case closed)

S118626

B165388 Second Appellate District,
Division Seven

SMITHKLINE BEECHAM v. S.C. (AVARE)
Publication request denied (case closed)

S119152

H023861 Sixth Appellate District

BEAUMONT INVESTMENTS v. CITY OF SAN JOSE
Publication request denied (case closed)

S119995

A099765 First Appellate District,
Division Three

CAMPBELL v. MAREMONT CORPORATION
Publication request denied (case closed)

S120229

C040463 Third Appellate District

SAN JOAQUIN MOTEL & HOTEL PROPERTY
OWNERS ASSN. v. CITY OF STOCKTON
Publication request denied (case closed)

S120516

C043217 Third Appellate District

R. (T.), IN RE
Publication request denied (case closed)

S120684

H025600 Sixth Appellate District

LEMPERT v. S.C. (CAMPBELL)
Depublication request denied (case closed)

S121287

A095878 First Appellate District,
Division Four

T. (ELDRIDGE), IN RE
Publication request denied (case closed)

S120543

E032612 Fourth Appellate District,
Division Two

PEOPLE v. PONCE
Time extended to grant or deny review

to February 24, 2004

S120830

B169107 Second Appellate District,
Division Seven

MCSHERRY (LEONARD J.) ON H.C.
Time extended to grant or deny review

to February 24, 2004

S047867**PEOPLE v. VIRGIL (LESTER W.)**
Extension of time granted

to March 16, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 75 additional days will be granted. Extension is granted based upon counsel Manuel J. Baglanis's representation that he anticipates filing that brief by 6/1/2004.

S051451**PEOPLE v. VALENCIA (ALFREDO)**
Extension of time granted

to March 12, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S055474**PEOPLE v. PERRY (CLIFTON)**
Extension of time granted

to March 16, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 15 additional days will be granted. Extension is granted based upon Deputy State Public Defender Ronald Turner's representation that he anticipates filing that brief by 3/31/2004.

S058537**PEOPLE v. COLLINS (SCOTT FORREST)**
Extension of time granted

to January 22, 2004 to file appellant's opening brief. based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by 1/22/2004. After that date, no further extension will be granted.

S065707

PEOPLE v. PAGE (TERRANCE C.)

Extension of time granted

to April 1, 2004 to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon Deputy State Public Defender William Hassler's representation that he anticipates filing that brief by 3/31/2004.

S078404

PEOPLE v. BRADY (ROGER H.)

Extension of time granted

to March 22, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 100 additional days will be granted. Extension is granted based upon counsel Susan K. Marr's representation that she anticipates filing that brief by 6/30/2004.

S116554

AVILA (JOHNNY) ON H.C.

Extension of time granted

to February 9, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Louis M. Vasquez's representation that he anticipates filing that document by 4/2/2004.

S117235

LEWIS (ROBERT) ON H.C.

Extension of time granted

to February 11, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling 60 additional days are contemplated. Extension is granted based upon counsel Robert M. Sanger's representation that he anticipates filing that document by 4/16/2004.

S120249**SAMAYOA (RICHARD) ON H.C.**
Extension of time granted

to February 11, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling 45 additional days will be granted. Extension is granted based upon Deputy Attorney General John T. Swan's representation that he anticipates filing that document by 3/29/2004.

S119828B163953 Second Appellate District,
Division Five**PEOPLE v. VILLEGAS**
Counsel appointment order filed

Landra E. Rosenthal is hereby appointed to represent appellant on his appeal now pending in this court.

S012852**PEOPLE v. MAURY (ROBERT E.)**
Application to file document under seal denied

The motion of attorney Therese Y. Cannata, filed December 23, 2003, to file under seal her application to withdraw (and supporting declaration) as appointed habeas corpus/executive clemency counsel of record on behalf of condemned inmate Robert Edward Maury, is denied. The clerk is ordered to return such documents, lodged conditionally under seal but not yet filed, to the moving party. (See Cal. Rules of Court, rule 12.5(e)(7).)

S018665**PEOPLE v. LEWIS (MILTON OTIS)**
Order filed

Pursuant to the letter from attorney David A. Senior, filed January 9, 2004, the "Application for Appointment as Counsel of Record," filed on November 25, 2003, is withdrawn.

S053228

PEOPLE v. ALEXANDER (ANDRE STEPHEN)
Motion denied

Appellant's pro se "Objection to the Filing of the Opening Brief and Appellant's Request for Appointment of Counsel on Direct Appeal," filed on December 19, 2003, is denied.

S114879

AGUAYO, ACCUSATION OF
Order filed

It is ordered that the State Bar lodge with this court for in camera inspection its file relating to the complaint made by David Aguayo against attorney Howard David Henry (investigation No. 02-0-12495). The State Bar shall have 20 days from the date of this order to lodge these records.

S117370

A097168 First Appellate District,
Division One

PEOPLE v. RANDLE
Order filed

Appellant's request for extension of time to file answer brief on the merits to February 11, 2004, is DENIED.

**SUPREME COURT CALENDAR
SACRAMENTO SESSION
FEBRUARY 9, 10 and 11, 2004**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on February 9, 10, and 11, 2004.

MONDAY, FEBRUARY 9, 2004 – 1:30 P.M.

S107355	In re the Marriage of Lamusga
S103324	People v. Laino
S113272	Olmstead v. Gallagher & Company
S109306	Dowhal v. Smithkline Beecham Healthcare (George, C.J. and Baxter, J., not participating, Scotland, P.J. and Sepulveda, J., assigned Justices Pro Tempore.)

TUESDAY, FEBRUARY 10, 2004 – 2:00 P.M.

S099667	Aguilar v. Lerner
S106796	People v. Oates
S024416	People v. Dellano Leroy Cleveland and Chauncey Jamal Veasley (Automatic Appeal)

WEDNESDAY, FEBRUARY 11, 2004 – 9:00 A.M.

S102251	State Farm Automobile Insurance v. Garamendi
S106706	In re Young on Habeas Corpus
S049389	People v. Thomas H. Lenart (Automatic Appeal)

George
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

